



J. Ashley Cooper
Partner
Telephone: 843.727.2674
Direct Fax: 843.727.2680
ashleycooper@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

March 25, 2020

Via Hand Delivery

Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, SC 29211

RECEIVED
MAR 25 2020
PSC SC
CLERK'S OFFICE

CDH
4:20 PM

Re: Request for Approval of each Confidential Settlement Agreement and Mutual Release and Confidential Treatment - Docket No. 2019-388-E

Dear Ms. Boyd:

Dominion Energy South Carolina, Inc. ("DESC") hereby files with the Public Service Commission of South Carolina (the "Commission"), and seeks approval of, each Confidential Settlement Agreement and Mutual Release (each, a "Settlement," and collectively, the "Settlements") enclosed herewith, with such approval to be made effective as of today, March 25, 2020—the effective date of the Settlements.

Specifically, DESC entered into a Settlement with each of Blackville Solar Farm, LLC, Denmark Solar, LLC, Trask East Solar, LLC, and Yemassee Solar, LLC (each, a "Petitioner," and collectively, the "Petitioners"). Each Petitioner plans to construct a solar generating facility that will be a Qualifying Facility under 18 C.F.R. § 292.204. As such, each Petitioner entered into a Power Purchase Agreement with DESC on May 26, 2018 (collectively, the "PPAs"). On December 19, 2019, Petitioners filed a Petition (the "Petition") in the above-referenced docket that related to certain matters in the PPAs. Now, each Petitioner has entered into a Settlement with DESC, subject to the approval of the Commission, to amicably resolve the issues pertaining to the Petition. Upon approval by the Commission, the parties will submit a Joint Motion to Withdraw the Petition.

However, due to the commercially sensitive and proprietary nature of the Settlements, as well as the highly competitive nature of the industry in which Petitioners and DESC operate, DESC and Petitioners have agreed to keep the terms of the Settlements confidential. In accordance with the terms of the Settlements, DESC and Petitioners respectfully request that the Commission find that the Settlements contain protected information and issue a protective order barring the disclosure of the Settlements under the Freedom of Information Act, S.C.

Code Ann. §§ 30-4-10 et seq., S.C. Code Ann. Regs. 103-804(S)(1), or any other provision of law. Pursuant to S.C. Code Ann. Regs. 103-804(S)(2), the determination of whether a document may be exempt from disclosure is within the Commission's discretion.

To this end, and in accordance with Commission Order No. 2005-226, dated May 6, 2005, in Docket No. 2005-83-A, we enclose with this letter a redacted version of each Settlement that protects from disclosure the sensitive, proprietary and commercially valuable information, while making available for public viewing non-protected information. We also enclose an unredacted copy of each Settlement in a separate, sealed envelope and respectfully request that, in the event that anyone should seek disclosure of these unredacted versions, the Commission notify DESC of such request and provide it with an opportunity to obtain an order from this Commission or a court of competent jurisdiction protecting the Settlements from disclosure.

Enclosed are the following:

1. A true and correct copy of each Settlement in a sealed envelope marked "CONFIDENTIAL." Each page of each Settlement is also marked "CONFIDENTIAL."
2. Ten (10) redacted copies of each Settlement for filing and public disclosure.

By copy of this letter, we are providing the South Carolina Office of Regulatory Staff ("ORS") with a redacted copy of each Settlement for its records. Additionally, DESC will make the original, unredacted copy of each Settlement available to ORS for its review.

In conclusion, DESC and Petitioners respectfully request that the Commission approve each Settlement with an effective date of today, March 25, 2020. Thank you for your assistance and consideration of this matter. If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,


J. Ashley Cooper

Enclosures

JAC:hmp

cc: (Via Electronic Mail and First Class Mail)
Andrew M. Bateman, Esquire
Jenny R. Pittman, Esquire
Richard L. Whitt, Esquire